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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,452	07/06/2007	Craig Gregory Smith	FBRIC53.001APC	8047
20995 7590 12/23/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER AMBAYE, SAMUEL				
ART UNIT 2433		PAPER NUMBER		
NOTIFICATION DATE 12/23/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/563,452

**Applicant(s)**

SMITH, CRAIG GREGORY

**Examiner**

SAMUEL AMBAYE

**Art Unit**

2433

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 08/07/2008, 07/10/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communication filed on 23 September 2010, in which claims 1-23 are presented for examination.
2. Claims 1-23 are pending in this application. Claims 1, 8, and 15 are in independent form. Claim 24 is canceled. Claims 1, 8, and 16 are amended.

### ***Response to Arguments***

3. Applicant's arguments filed on 23 September 2010 have been considered but they are moot due to new ground(s) of rejection below initiated by Applicant's amendment.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney (US Pub. 20080117053 A1) in view of Grimes et al. (WO 03/046819 A1).

Regarding claim 1, Maloney discloses **a computerized identity matching management method for regulating the issue of secure assets** (abstract, lines 1-2), **the method comprising: “an issuer of an asset receiving a request for release of the asset from a receiver of the asset”** (para. 0012, and para. 0037- a biometric identification unit 26 is coupled to the controller by a communications link 26 for positively identifying users during a transaction. The biometric identification unit may take the form of a fingerprint reader, a facial feature scanner, a retinal scanner, or other type of scanner, or combinations thereof, for scanning a selected unique biometric feature of users who request access to the system); **“identifying the asset having a classification identifier”** (para. 0009); **“after the request identifying the issuer of the asset”** (para. 15, lines 1-21- the supervisor is analogous to an asset issuer since they are responsible for asset assignment- see para. 56); and after the request identifying the receiver of the asset (para. 12, lines 1-3);

Maloney does not explicitly teaches the following **“wherein identifying the issuer and identifying the receiver each comprise: a management computer receiving a request to initiate the capture process from a capture apparatus waiting to commence a capture process of a biometric of the issuer or the receiver”** however Grimes teaches that in (abstract- lines 4-6); **“the management computer responding to the request by returning a message to the capture apparatus”** however Grimes teaches that in (page 2, lines 12-13), **“the message comprising a unique code”** however Grimes teaches that in (abstract- lines 8-9), **“wherein receipt of the message comprising the code at the capture apparatus**

**causes initiation of the capture process**” however Grimes teaches that in (abstract- lines 9-11); **“the capture apparatus encoding a captured biometric of the issuer or of the receiver”** however Grimes teaches that in (page 8, lines 15-16); **“the management computer, after returning the message, receiving the encoded captured biometric”** however Grimes teaches that in (abstract- lines 12-14); and **“the management computer decoding the captured biometric and initiating a matching process to find a match for the decoded captured biometric against stored records and generating an identification code representative of the issuer or of the receiver of the asset when a match is found”** however Grimes teaches that in (page 3, lines 32-35); **“retrieving a privilege of the receiver to determine whether the privilege matches the classification identifier of the asset”** however Grimes teaches that in (page 4, lines 24-31); and, **“if a match is determined: “issuing the asset and recording information to form a use record relating to the issue of the asset”** however Grimes teaches that in (page 4, lines 31-33);

Therefore, a person of ordinary skill in the art at the time of the invention would have found it obvious to use the biometric capture process of Grimes in the asset issuing process of Maloney in order to automate user identification with a minimum of user identification.

Regarding claim 2, the combination of Maloney and Grimes discloses the process according to claim 1, **“wherein the management computer returning the message to the capture apparatus occurs at a first time, the management**

**computer receiving the encoded captured biometric occurs at a second time, and the management computer operating to decode the encoded captured biometric and initiate the matching process only when the second time is less than a time interval later than the first time”** (Grimes- pg. 3, lines 4-14).

Regarding claim 3, the combination of Maloney and Grimes discloses the process according to claim 1, **“further comprising generating an alert if the privilege does not match the asset classification”** (Maloney- para. 54- lines 11-14).

Regarding claim 4, the combination of Maloney and Grimes discloses the process according to claim 1, **“wherein the assets comprises at least one of firearms, weapons, batons, pharmaceutical medications and products, narcotics, precious metals and legal documents”** (Maloney- para. 8, lines 13-18).

Regarding claim 5, the combination of Maloney and Grimes discloses the process according to claim 1, **“wherein the unique classification identifier is securely attached to or imprinted directly onto or into, the asset”** (Maloney- para. 9, lines 4-15).

Regarding claim 7, the combination of Maloney and Grimes discloses according to claim 1, **“wherein the unique classification identifier comprises a radio frequency identifier”** (Maloney- para. 9, lines 4-15).

Regarding claim 8, Maloney discloses a **computerized identity matching management method for regulating the return of secure assets**" (abstract, lines 1-2), **the method comprising: "identifying an asset having a unique classification identifier"** (para. 9); **"identifying a receiver who seeks to return the asset"** (para. 12, lines 1-3);

Maloney does not explicitly teaches the following **identifying the receiver comprising: "a management computer receiving a request to initiate the capture process, from a capture apparatus waiting to commence a capture process of a biometric of the receiver"** however Grimes teaches that in (abstract- lines 4-6); **"the management computer responding to the request by returning a message to the capture apparatus"** however Grimes teaches that in (page 2, lines 12-13), **"the message comprising a unique code"** however Grimes teaches that in (abstract- lines 8-9), **"wherein receipt of the message comprising the code at the capture apparatus causes initiation of the capture process"** however Grimes teaches that in (abstract- lines 9-11); **"the capture apparatus encoding a captured biometric of the receiver"** however Grimes teaches that in (page 8, lines 15-16); **"the management computer, after returning the message, receiving the encoded captured biometric"** however Grimes teaches that in (abstract- lines 12-14); **and "the management computer decoding the captured biometric and initiating a matching process to find a match for the decoded captured biometric against stored records and generating an identification code representative of the receiver when**

**a match is found”** however Grimes teaches that in (page 3, lines 32-35); **“retrieving a privilege of the receiver to determine whether the privilege matches the asset classification identifier of the asset”** however Grimes teaches that in (page 4, lines 24-31); **and, if a match is determined: “retrieving the asset from the receiver and recording information to form a use record relating to the retrieval of the asset”** however Grimes teaches that in (page 4, lines 31-33);

Therefore, a person of ordinary skill in the art at the time of the invention would have found it obvious to use the biometric capture process of Grimes in the asset issuing process of Maloney in order to automate user identification with a minimum of user identification.

Regarding claim 9, the combination of Maloney and Grimes discloses **“further comprising identifying an issuer of assets to whom the asset is returned”** (para. 12, lines 1-3);

Maloney does not explicitly teaches the following **wherein identifying the issuer comprises: “the management computer receiving a request to initiate the capture process, from a capture apparatus waiting to commence a capture process of a biometric of the issuer”** however Grimes teaches that in (abstract- lines 4-6); **“the management computer responding to the request by returning a message to the capture apparatus at a first time”** however Grimes teaches that in (page 2, lines 12-13); **“the message comprising a unique code”** however Grimes teaches that in (abstract- lines 8-9), **and “receipt of the message comprising the code at the**



**capture apparatus causing initiation of the capture process”** however Grimes teaches that in (abstract- lines 9-11); **“the capture apparatus encoding a captured biometric”** however Grimes teaches that in (page 8, lines 15-16); **“the management computer, after returning the message, receiving the encoded captured biometric”** however Grimes teaches that in (abstract- lines 12-14); and **“the management computer decoding the captured biometric and initiating a matching process to find a match for the decoded captured biometric against stored records and generating an identification code representative of the issuer when a match is found”** however Grimes teaches that in (page 3, lines 32-35);

Therefore, a person of ordinary skill in the art at the time of the invention would have found it obvious to use the biometric capture process of Grimes in the asset issuing process of Maloney in order to automate user identification with a minimum of user identification.

Regarding claim 10, the combination of Maloney and Grimes discloses **“where the management computer returning the message to the capture apparatus occurs at a first time, the management computer receiving the encoded captured biometric occurs at a second time, and the management computer operating to decode the encoded captured biometric and initiate the matching process only when the second time is less than a time interval later than the first time”** (Grimes- pg. 3, lines 4-14).

Regarding claim 11, the combination of Maloney and Grimes discloses **“wherein the asset comprises any one or more of firearms, weapons, batons, pharmaceutical medications and products, narcotics, precious metals, and legal documents”** (Maloney- para. 8, lines 13-18).

Regarding claim 12, the combination of Maloney and Grimes discloses **“wherein the unique classification identifier is securely attached to or imprinted directly onto or into, the asset”** (Maloney- para. 0009, lines 4-15).

Regarding claim 13, the combination of Maloney and Grimes discloses **“where the unique classification identifier comprises a barcode”** (Maloney- para. 0099, lines 8-29).

Regarding claim 14, the combination of Maloney and Grimes discloses **“where the unique classification identifier comprises a radio frequency identifier”** (Maloney- par.000 9).

Regarding claim 15, Maloney discloses **a computerized identity matching management system for regulating the issue of, or the return of, secure assets** (abstract, lines 1-2), **the system comprising: “a data depository configured to store records of assets each asset having a unique asset classification identifier and to store a record of receivers and a privilege for each receiver”** (Maloney- para. 0035

- The system 11 comprises a storage unit 12 that, in this embodiment, takes the form of a cabinet housing an openable drawer 13. The drawer 13 has an internal panel 14 formed with an array of slots or receptacles 13 sized and shaped to receive trackable objects 33, each having at least one unique readable identification code contained within a contact memory button, RFID chip or otherwise); **“an asset identifier configured to identify the asset to be issued or to be returned”** (para. 0009);

Maloney does not explicitly teaches the following **a computer programmed to:**  
**“receive a request to initiate a capture process from a capture apparatus waiting to commence a capture process of a biometric so as to identify a receiver who is requesting the issue of an asset or the return of an asset”** however Grimes teaches that in (abstract- lines 4-6); **“respond to the request by returning a message to the capture apparatus”** however Grimes teaches that in (page 2, lines 12-13); **“the message comprising a unique code”** however Grimes teaches that in (abstract- lines 8-9); **“wherein receipt of the message comprising the code at the capture apparatus causes initiation of the capture process”** however Grimes teaches that in (abstract- lines 9-11); **“after returning the message, receive a captured biometric from the capture apparatus encoded with the code”** however Grimes teaches that in (page 8, lines 15-16); **and “to decode the captured biometric”** however Grimes teaches that in (page 3, lines 32-35); **and “an authentication server configured to perform a matching process to find a match for the decoded captured biometric against stored records and to generate an identification code representative of the receiver who is requesting the issue of an asset or the return of an asset**

**when a match is found”** however Grimes teaches that in (page 3, lines 32-35); **“the server further configured to retrieve the privilege of the receiver to determine whether the privilege matches the asset classification identifier”** however Grimes teaches that in (page 4, lines 24-31); and **“if a match is determined to form a use record relating to the issue of the asset or the return of the asset”** however Grimes teaches that in (page 4, lines 31-33);

Therefore, a person of ordinary skill in the art at the time of the invention would have found it obvious to use the biometric capture process of Grimes in the asset issuing process of Maloney in order to automate user identification with a minimum of user identification.

Regarding claim 16, the combination of Maloney and Grimes discloses **“wherein the management computer returning the message to the capture apparatus occurs at a first time, the management computer receiving the encoded captured biometric occurs at a second time, and the management computer operating to decode the encoded captured biometric and initiate the matching process only when the second time is less than a time interval later than the first time”** (Grimes- pg. 3, lines 4-14).

Regarding claim 17, the combination of Maloney and Grimes discloses, **“wherein the computer is further programmed to identify an issuer of assets”** (Maloney- para. 15, lines 1-21).

Regarding claim 18, the combination of Maloney and Grimes discloses **“wherein the use record of each asset further includes the date and time that the asset was issued by the issuer and received by the receiver”** (Maloney- para. 0015).

Regarding claim 19, the combination of Maloney and Grimes discloses, **“wherein the use record of each asset includes a date and a time that the issuer received the asset”** (Maloney- para. 0015).

Regarding claim 20, the combination of Maloney and Grimes discloses **“wherein the computer is further programmed such that if a match is determined, a message is generated authorizing the release of the asset to the receiver”** (Grimes- page 3, lines 32-35);

Regarding claim 21, the combination of Maloney and Grimes discloses **“wherein the computer is further programmed such that if a match is not determined the issuer is alerted”** (Maloney- para. 54- lines 11-14).

Regarding claim 22, the combination of Maloney and Grimes discloses **“wherein the asset identifier comprises a radio frequency reader”** (Maloney- para. 9, lines 4-15).

Regarding claim 23, the combination of Maloney and Grimes discloses “**where the asset identifier comprises a barcode reader**” (Maloney- para. 0099, lines 8-29).

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL AMBAYE whose telephone number is (571)270-7635. The examiner can normally be reached on Monday-Friday, 7:30am-5:00pm., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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